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10/566,646

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EXAMINER

HINZE, LEO T

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/566,646 | Applicant(s) SUDA, MITSUNOBU | |
| | Examiner LEO T. HINZE | Art Unit 2854 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-14, 16-19 and 21-29 is/are pending in the application.
- 4a) Of the above claim(s) 16-18 and 21-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-14 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 12-15, 19, and 20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. Claims 12-14 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 12 recites "a movable print body fixed in a main body case." The movable print body appears to correspond to item 210 in the specification, which is called a "movable print member 210", and is referred to as a "movable print body" in the first paragraph of the Background Art section (Specification, p. 1). The recited "main body case" appears to correspond to supporting case 201. As shown in the specification, there does not appear to be a "collar" on the movable print body 210, but instead the collar 203 is shown on the supporting case 201.

b. To expedite prosecution, the examiner will interpret claim 12 as reciting the collar as being attached to the main body case, and not the movable print body.

Appropriate correction and/or clarification is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12-14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiraga et al., US 4,970,952 A (hereinafter Hiraga) in view of Bengtsson, US 4,858,526 A (hereinafter Bengtsson) and Machinery's Handbook, 26th Edition.

a. Regarding claim 12:

Hiraga teaches a stamp comprising: a first face (25, Fig. 2); a second print face for forming a print image on said stamping object by synthesizing with the print image of said first print face (10, Fig. 2); and a damper member that presses said first print face so that said first print face in a stamping direction is projected more than said second print face in the stamping direction with elasticity at the time of no stamping and is compressed so that said first print face and said second print face are matched with each other with a reaction force applied to said first print face from said stamping object at the time of stamping (damper member 25a keeps the first face proud of the second until compressed, when first and second faces are even and second face produces a print, Fig. 2); and a movable print body fixed in a main body case (movable print body 10, Fig. 2), wherein said main body case has a collar having a plane parallel to a direction perpendicular to the stamping direction at a portion that said damper member makes contact with (see unlabeled collar on item 1 that contacts the upper portion of spring 25a, Figs. 1 and 2).

Hiraga does not teach wherein the first face is a first print face for forming a print image on a stamping object; an entire mating surface of the damper member mates with a planar mating surface of the collar. The ends of the spring 25a appear to be unground.

Bengtsson teaches a first print face for forming a print image on a stamping object (3, Fig. 6); a second print face for forming a print image on said stamping object by synthesizing with the print image of said first print face (20, Fig. 3); and wherein said first print face and said second print face are matched with each other at the time of stamping (both faces stamp an image on the substrate, col. 2, ll. 44-48). The first print face is advantageous for printing the name of a company or the designation of a place (col. 2, ll. 45-46), and the second for printing a date (col. 2, l. 48).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hiraga such that the first face is a first print face for forming a print image, as taught by Bengtsson, because one having ordinary skill in the art would recognize that this combination would predictably allow the device of Hiraga to print additional information, such as the name of a company or the designation of a place.

Machinery's Handbook teaches that it is well known in the art that compression springs may have either ground or unground ends (Fig. 12, p. 298), and that springs with ground ends are capable of standing upright (pp. 297-298).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hiraga to use a spring with ground ends, because

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one having ordinary skill in the art would recognize that this substitution of elements well-known in the art would predictably provide a spring member with planar mating surfaces, thereby allowing the spring to stand on its own, and providing mating surface with greater contact area.

b. Regarding claim 13, the combination of Hiraga, Bengtsson, and Machinery's Handbook teaches the stamp according to claim 12, as discussed in the rejection of claim 12 above. The combination of Hiraga, Bengtsson, and Machinery's Handbook also teaches wherein a length over which said damper member is capable of stretching in the stamping direction when not compressed is larger than a length over which said first print face is projected with respect to said second print face at the time of no stamping (Hiraga: the spring 25a, when not compressed, extends first face 25 beyond second face 10, and when compressed, allows second face 10 to be even with first face 25, Fig. 2; col.3, ll. 40-50).

c. Regarding claims 14 and 19, the combination of Hiraga, Bengtsson, and Machinery's Handbook teaches the stamp according to claims 13 and 12, respectively, as discussed in the rejection of claims 13 and 12 above. The combination of Hiraga, Bengtsson, and Machinery's Handbook also teaches a movable print body fixed on a main body case and in which a plurality of said second print faces are provided protrudedly along the outside face of a belt supported movably (Hiraga: 10, Fig. 2); and a fixed print body provided movably in the stamping direction with respect to the main body case (Bengtsson, 3, Fig. 1), having an exposure hole (Hiraga: 25b, Fig. 2) for exposing one of said second print faces of said movable print body out of the main body

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case and having said first print face for forming a single print image by synthesizing with a print image of said second print face exposed from the exposure hole, wherein said damper member is provided between said movable print body and said fixed print body such that it always keeps contact therewith (Hiraga: damper 25a is between first face 25 and movable print body 10, Fig. 2).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is 571.272.2864. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571.272.2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony H Nguyen/
Primary Examiner, Art Unit 2854

Leo T. Hinze
Patent Examiner
AU 2854
05 February 2009